

THE WESTERN CAROLINIAN.

PUBLISHED WEEKLY—JOHN BEARD, JR., EDITOR & PROPRIETOR—ROWAN COUNTY.

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SALISBURY...SATURDAY, MAY 31, 1834.

{Whole Number 730.

North-Carolina State LOTTERY, FOR THE BENEFIT OF The Salisbury Academy.

1st Class—High and Low System.

To be Drawn at Salisbury,
On the 10th day of July.

Capital, \$3,000!

SCHEME:

1 Prize of \$3,000 is	3,000
5 " of 1,000 is	5,000
4 " of 500 is	2,000
5 " of 300 is	1,500
10 " of 200 is	2,000
50 " of 100 is	5,000
60 " of 50 is	3,000
100 " of 20 is	2,000
250 " of 10 is	2,500
20,000 " of 4 70 is	94,000

20,485 Prizes, amounting to \$120,000

More Prizes than Blanks!

Tickets \$4—Halves \$2—Quarters \$1.

MODE OF DRAWING:

This Scheme, founded on the High and Low System, has 40,000 Tickets, numbered from 1 to 40,000, inclusive. On the day of the drawing, the 40,000 numbers will be put into one wheel, and all the prizes above the denomination of \$4 70 in another: they will then be drawn out alternately, first a number and then a prize, until all the prizes are drawn. From 1 to 20,000, inclusive, are low; and from 20,001 to 40,000, inclusive are high. The prizes of \$4 70, to be awarded to the high or low division, will be determined by that which may draw the capital prize of \$3,000. The prizes of \$4 70 will be payable in tickets in the next scheme—all other prizes payable in cash forty days after the drawing. All prizes subject to a deduction of fifteen per cent.

According to this mode of drawing, holders of two tickets will be sure to draw one prize, and MAY DRAW THREE!

Tickets, Shares, and Packages, to be had, in the greatest variety of numbers, at

Stevenson & Points' Office,
(White Row, Mansion Hotel.)
—SALISBURY.

All orders from a distance, (post paid) enclosing the Cash, will be thankfully received and promptly attended to, if addressed to

STEVENSON & POINTS,
Managers, Salisbury, N.C.

May 17, 1834.

Spring & Summer Fashions
FOR 1834.

HORACE H. BEARD, Tailor,

BEGS leave to inform his friends, and the public in general, that orders in his line will always be thankfully received by him, and executed in the most Neat, Fashionable, and Durable manner—on terms as reasonable as any in this section of country. H. H. B. hopes, from his long practice of his business, (a number of years of which time he resided in the city of Philadelphia,) and from the general satisfaction he has heretofore given to his numerous respectable and fashionable customers, to merit and receive a portion of the patronage of the public in general.

He flatters himself that his CUTTING is really superior to any done in this State, as may be tested by the undisputed elegance of fit which attends garments made in his establishment. He is in the regular receipt of the Reports of the Fashion as they change both in the large cities of this country and of Europe—so that gentlemen may be satisfied that their orders will always be executed in the very latest style.

Orders from a distance will be attended to with the same punctuality and care as if the customer were present in person.

Salisbury, May 17, 1834.—ly

NEGROES WANTED.

THE Subscriber wishes to purchase LIKELY NEGROES, from ten to thirty years old, and will pay the most liberal prices in Cash.

All who have such property to sell would do well to call on him, or Mr. John Jones, his Agent. He can be found at Mr. Slaughter's Hotel, in Salisbury, and Mr. Jones at Dr. Boyd's Hotel, in Charlotte.

He thinks it proper to say, that he is not concerned in business with Mr. James Huie, or with any other person.

All Letters addressed to him, or Mr. Jones, will be punctually attended to.

ROBERT HUIE.

Salisbury, May 24, 1834.



BY AUTHORITY.

By the President of the United States of America.
A PROCLAMATION.

Whereas, a General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Republic of Chile, was concluded and signed by their Plenipotentiaries, in the city of Santiago, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and thirty-two; and Whereas, as an additional and explanatory Convention was concluded and signed in the same city, by the Plenipotentiaries of the two parties, on the first day of September, one thousand eight hundred and thirty-three, which Conventions are, word for word, as follows:

General Convention of Peace, Amity, Commerce, and Navigation, between the United States of America and the Republic of Chile.

In the name of God, Author and Legislator of the Universe—

The United States of America and the Republic of Chile, desiring to make firm and lasting the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between the one and the other, by means of a Treaty, or General Convention of Peace and Friendship, Commerce and Navigation.

For this most desirable object, the President of the United States of America, by and with the advice and consent of the Senate thereof, has appointed and conferred full powers on John Ham, a citizen of said States, and their Charge d'Affaires near the said Republic; and His Excellency, the President of the Republic of Chile, has appointed Senior Don Andres Bello, a citizen of the said Republic.

And the said Plenipotentiaries, after having mutually produced and exchanged copies of their full powers, in due and proper form, have agreed upon, and concluded the following articles, videlicet:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Chile, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons and places.

ARTICLE II.

The United States of America and the Republic of Chile, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. It is understood, however, that the relations and conventions that now exist, or may hereafter exist, between the Republic of Chile and the Republic of Bolivia, the federation of the Centre of America, the Republic of Colombia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, shall form exceptions to this article.

ARTICLE III.

The citizens of the United States of America may frequent all the coasts and countries of the Republic of Chile, and reside and trade there, in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions, in navigation and commerce, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the citizens and subjects of the most favored nations.

In like manner, the citizens of the Republic of Chile may frequent all the coasts of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandise, and shall pay no other or greater duties, charges, or fees, whatsoever, than the most favored nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions, in commerce and navigation, which the most favored nation does or shall enjoy, submitting themselves, nevertheless, to the laws, decrees, and usages there established, and to which are submitted the citizens and subjects of the most favored nations. But it is understood, that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

It is likewise agreed that it shall be equally free for all merchants, commanders of ships, and other citizens of both countries, to manage, themselves, their own business, in all ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandise, by wholesale and retail, as with respect to the loading, unloading, and sending off their ships, they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on a footing with the citizens or subjects of the most favored nations.

ARTICLE V.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other, with their vessels, whether of merchant or of war, public or private, through stress of weather, pursuit of pirates, or enemies, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE VI.

All the ships, merchandise, and effects, belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE VII.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or suffer any damage on the coast, or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption in the country.

ARTICLE VIII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country, wherein the said goods are, shall be subject to pay in like cases: and if, in the case of real estate, the said heirs, would be prevented from entering into the possession of the inheritance, on account of their character of aliens, there shall be granted to them the term of three years to dispose of the same, as they may think proper, and to withdraw the proceeds without molestation, and exempt from any other charges than those which may be imposed by the laws of the country.

ARTICLE IX.

Both the contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be: for which they may employ in defence of their rights such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE X.

It is likewise agreed that the most perfect and entire security of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent or suitable places, and shall be protected from violation or disturbance.

ARTICLE XI.

It shall be lawful for the citizens of the United States of America and of the Republic of Chile to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens, of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy, before mentioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the one power, or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either, they are not to be taken out of that free ship unless they are officers or soldiers, and in the actual service of the enemies: Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognise the

principle: but if either of the two contracting parties should be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

ARTICLE XII.

It is likewise agreed, that, in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree, that, four months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

ARTICLE XIII.

This liberty of commerce and navigation shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband, or prohibited goods, shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fuzes, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds and grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms;

2d. Bucklers, helmets, breast-plates, coats of mail, infantry belts, and clothes made up in the form and for a military use.

3d. Cavalry belts, and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed, expressly, to make war by sea or land.

ARTICLE XIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded, which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XV.

The articles of contraband, before enumerated and classified, which may be found in a vessel bound to an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they may see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of that vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

ARTICLE XVI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment, from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually besieged, blockaded, or invested, by the other, be restrained from quitting such place with her cargo, nor if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof; and if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, she shall be subject to be warned by the blockading forces, to return to the port blockaded, and discharge the said cargo; and if, after having received the said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as a vessel attempting to enter a blockaded port, after being warned off by the blockading forces.

ARTICLE XVII.

In order to prevent all kinds of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with making the visit, under the circumstances of the sea and wind, and the degree of suspicion attending the vessel to be visited, and shall send its smallest boat in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or A-treatment, for which the commanders of the armed ships shall be responsible with their persons and property; for which purpose the commanders of the said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all damages they may commit. And it is expressly agreed, that the neutral party shall, in no case, be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XIX.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that, in case one of them shall be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties; they have likewise agreed that such ships, being laden, besides the sea-letters or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place from whence the ship sailed, in the accustomed form; without which requisites, said vessel may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and be satisfied or supplied by testimony entirely equivalent.

ARTICLE XX.

It is further agreed, that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries; and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXI.

It is further agreed, that, in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them. And whenever such tribunal of either party shall pronounce judgment against any vessel or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commandant or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXII.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely, with the said enemy, against the said party so at war, under the pain of being treated as a pirate.

ARTICLE XXIII.

If, by any fatality which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree, now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States of America, and of the Republic of Chile, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXIV.

Neither the debts due from the individuals of the one nation, to the individuals of the other, nor shares, nor money which they may have in public funds, nor in public or private Banks, shall even, in any event of war, or of national difference, be sequestered or confiscated.

ARTICLE XXV.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications, and official intercourse, have agreed, and do agree, to grant to their envoys, ministers, and other public agents, the same honors, immunities, and exemptions which those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of Chile may find it proper to give to the ministers and public agents of any other power, and by the same act, be extended to those of the contracting parties.

ARTICLE XXVI.

To make more effectual the protection which the United States of America and the Republic of Chile shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice-consuls in the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities, of the consuls and vice-consuls of the most favored nations; each contracting party, however, remaining at liberty to except those ports or places in which the admission and residence of such consuls may not seem convenient.

ARTICLE XXVII.

In order that the full and entire observance of the two contracting parties, in the rights, prerogatives, and immunities, which they have granted, by their public communications, to their envoys, ministers, and other public agents, shall be maintained, they agree, that the consuls and vice-consuls of each nation, in the ports in which they are admitted, shall obtain their commissions, and shall

removed as such, by all the authorities, magistrates, and inhabitants, in the consular district in which they reside.

It is further agreed, that the consuls, sub-consuls, officers, and persons attached to the consular offices, shall not be subject to the laws of the country in which they reside, but to the laws of their respective States. The archives and papers of the consulates shall be respected inviolably; and, under no pretext whatever, shall any magistrate seize or in any way interfere with them.

The said consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and, for that purpose, they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, or other public documents, that those men were part of said crews; and, on this demand, so proved, (saying, however, where the contrary is proved) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said consuls, and may be kept in the public prison at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, reckoning from the day of their arrest, they shall be set at liberty, and shall no more be arrested for the same cause. It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the trial before which the case may be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare, specially, the powers and immunities of the consuls and vice consuls of the respective parties.

The United States of America and the Republic of Chile, desiring to make, as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this Treaty, or general convention of peace, amity, commerce, and navigation, have declared solemnly, and do agree to the following points:

1st. The present Treaty shall remain in full force and virtue for the term of twelve years, to be reckoned from the day of the exchange of the ratifications; and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other, at the end of said term of twelve years; and it is hereby agreed between them, that, on the expiration of one year after such notice shall have been received by either, from the other party, this Treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both powers.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this Treaty, such citizen shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (which, indeed, cannot be expected,) unfortunately, any of the articles contained in the present Treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party, considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this Treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other sovereigns or states.

The present Treaty of peace, amity, commerce and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chile, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington within nine months, to be reckoned from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the undersigned Plenipotentiaries of the United States of America, and of the Republic of Chile, have signed, by virtue of our powers, the present Treaty of peace, amity, commerce, and navigation, and have hereunto affixed our seals, respectively.

Done and concluded, in triplicate, in the city of Santiago, this sixteenth day of the month of May, in the year of our Lord Jesus Christ one thousand eight hundred and thirty-two; in the fifty-eighth year of the independence of the United States of America, and the twenty-third of that of the Republic of Chile.

JNO. HAMM. (seal.)
ANDRES BELLO. (seal.)

An additional and explanatory Convention to the Treaty of Peace, Amity, Commerce, and Navigation, concluded in the city of Santiago on the 16th day of May, 1832, between the United States of America and the Republic of Chile.

Whereas the time stipulated in the Treaty of Amity, Commerce, and Navigation, between the United States of America and the Republic of Chile, signed at the city of Santiago, on the 16th day of May, 1832, for the exchange of ratifications in the city of Washington, has elapsed; and it being the wish of both the contracting parties that the aforesaid Treaty should be carried into effect with all the necessary expedition; and that the necessary ratifications should be specially made

remove all subject of doubt in the sense of some of its articles, the undersigned Plenipotentiaries, viz., John Hamm, a citizen of the United States of America, and their Charge d' Affaires, on the part and in the name of the United States of America, and Señor Don Andres Bello, a citizen of Chile, on the part and in the name of the Republic of Chile, having compared and exchanged their full powers, as expressed in the Treaty itself, have agreed upon the following additional and explanatory articles:

ARTICLE I.
It being stipulated, by the second article of the aforesaid Treaty, that the relations and conventions which now exist or may hereafter exist between the Republic of Chile and the Republic of Bolivia, the Federation of the Centre of America, the Republic of Colombia, the United States of Mexico, the Republic of Peru, or the United Provinces of the Rio de la Plata, are not included in the prohibition of granting particular favors to other nations which may not be made common to the one or the other of the contracting powers;—and these exceptions being founded upon the intimate connexion and identity of feelings and interests of the new American States, which were members of the same political body under the Spanish dominion, it is mutually understood, that these exceptions will have all the latitude which is involved in their principle;—and that they will accordingly comprehend all the new nations within the ancient territory of Spanish America, whatever alterations may take place in their constitutions, names, or boundaries, so as to include the present States of Uruguay and Paraguay, which were formerly parts of the ancient vice-royalty of Buenos Ayres, those of New Granada, Venezuela, and Ecuador in the Republic of Colombia, and any other States which may in future be dismembered from those now existing.

ARTICLE II.
It being agreed, by the tenth article of the aforesaid Treaty, that the citizens of the United States of America, personally or by their agents, shall have the right of being present at the decisions and sentences of the tribunals in all cases which may concern them, and at the examination of witnesses and declarations that may be taken in their trials;—and as the strict enforcement of this article may be in opposition to the established forms of the present due administration of justice, it is mutually understood that the Republic of Chile is only bound by the aforesaid stipulation to maintain the most perfect equality in this respect between the American and Chilean citizens, the former to enjoy all the rights and benefits of the present or future provisions which the laws grant to the latter in their judicial tribunals, but no special favors or privileges.

ARTICLE III.
It being agreed, by the twenty-ninth article of the aforesaid Treaty, that deserters from the public and private vessels of either party are to be restored thereto by the respective consuls;—and whereas, it is declared by the article one hundred and thirty-two of the present constitution of Chile that "there are no slaves in Chile;" and that "slaves touching the territory of the Republic are free"—it is likewise mutually understood, that the aforesaid stipulation shall not comprehend slaves serving under any denomination on board the public or private ships of the United States of America.

ARTICLE IV.
It is further agreed, that the ratifications of the aforesaid Treaty of peace, amity, commerce, and navigation, and of the present additional and explanatory convention, shall be exchanged in the city of Washington within the term of eight months, to be counted from the date of the present convention.
This additional and explanatory Convention, upon its being duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Chile, with the consent and approbation of the Congress of the same, and the respective ratifications mutually exchanged, shall be added to, and make a part, of the Treaty of peace, amity, commerce and navigation, between the United States of America and the Republic of Chile, signed on the said 16th day of May 1832, having the same force and effect as if it had been inserted word for word in the aforesaid Treaty.

In faith whereof, we, the undersigned Plenipotentiaries of the United States of America and the Republic of Chile, have signed, by virtue of our powers, the aforesaid additional and explanatory Convention, and have caused to be affixed our hands and seals, respectively.

Done in the city of Santiago, this 1st day of September 1832, and in the 58th year of the independence of the United States of America, and the 24th of the Republic of Chile.

JNO. HAMM. (seal.)
ANDRES BELLO. (seal.)

And whereas the said Conventions have been duly ratified on both parts, and the respective ratifications of the same were exchanged on the 29th day of April 1834, at the city of Washington, by Louis McLane, Secretary of State of the United States of America, and Manuel Carralio, Charge d' Affaires of the Republic of Chile, near the Government of the United States, on the part of their respective Governments:

Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, have caused the said Conventions to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington, the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and thirty-four, and of the Independence of the United States the fifty-eighth.

ANDREW JACKSON.
By the President:
LOUIS McLANE,
Secretary of State.

MR. CALHOUN'S SPEECH.

We have inserted in this paper the whole of Mr. Calhoun's able speech in opposition to the reception of the President's Protest. It is decidedly the most interesting speech on the subject that has come under our notice. It goes directly to the question, and without any ostentatious or unbecoming effort to excite the passions, it presents with great force the sound and solid reasons of that great statesman. We commend it to the consideration of our readers.—Fayetteville, Oct.

DEBATE ON THE PROTEST.

EXTRACTS FROM MR. LEIGH'S SPEECH.

"There is no end of the enormous pretensions which the President sets up for the Executive power, in the wonderful paper under consideration. While he denies the right of the Senate, in its legislative capacity, to express any opinion (except a favorable one) concerning the legality and constitutionality of the acts of the Executive, or to exercise its own judgment as to the extent of its legislative powers, and the nature of its own acts, he claims and exercises the right to judge of the constitutionality of our acts, to determine the character of them, to ascertain when we are acting in our judicial and when in our legislative capacity, and to prescribe to us the prison-bounds within which it is allowed us to move, but from which we must not depart. Such is the freedom of deliberation and action, which it seems good to his wisdom to concede to us. He speaks to us in the imperial style of the Cæsars to the degraded Senate of Rome, while yet the ancient forms of the Republic were decently preserved, and calls on all faithful subjects to respect, support, obey, and conform with, his decisions.

The President insists that the offensive resolution of the Senate was not intended as a ground of any legislative action; that the Senate has no right, in its legislative capacity, to pass any resolution which is not intended to be the ground of legislation; and, in effect, that every resolution which does not plainly indicate on its face that it is so intended, is obnoxious to censure, as being without the pale of our legislative authority. In what code of parliamentary law he found this doctrine, it were vain to inquire; regarding it as a rule which he purposes to ordain, I understand him perfectly. How could he know, how could he undertake to affirm, that this resolution was not intended as the foundation of any legislative proceeding? If he learned it from the objections taken to the resolution by the opponents of it, in debate on this floor, the House, certainly, never gave him, or confirmed, any such information. The resolution may yet be the ground of legislative action; and, if I shall see hereafter any reason to hope for the concurrence of the other House, I for one shall soon propose legislation on the principles asserted in the resolution—legislation to preserve the public treasure for public use. But where did he learn that neither House of Congress can pass any resolutions touching the proceedings of the Executive, unless such resolution be designed as the ground of legislation? I am not very familiar with the rules of parliamentary order in the Federal Legislature, but I understand those which prevail in my own State pretty well, and those which prevail in the two Houses of the British Parliament. I take them to be all substantially the same. The President, in this Protest, makes reference to the institutions of Great Britain, and draws from that source arguments for his purpose. I shall be greatly surprised, if he or any body else can find rule or precedent in Great Britain, in any of the State Legislatures, or in either House of Congress, for this novel proposition that every resolution not intended to be the ground of legislative action, is without the pale of legislative authority. About the close of the war of the American Revolution, Mr. Dunning moved a series of resolutions, the purport of one of which was, that the influence of the Crown had increased, was increasing, and ought to be diminished; and it was carried against the Tory ministry. No immediate legislation was proposed; none in fact ensued, or was attempted. Did George III. send a message to the House of Commons, to instruct them that this resolution exceeded their legislative power, or make any appeal to the British nation against this abuse of legislative power by the Commons? During the second administration of the elder William Pitt, in order to avoid the apprehended danger of scarcity, a royal proclamation was issued, forbidding the exportation of corn, and thereby suspending a law of the land. The ministry were responsible for the act. In the subsequent session of Parliament, the subject came under the consideration of the House of Lords—the expediency of the measure was universally admitted—Lord Camden insisted that it was lawful, founding his argument on the plea of an overruling necessity—but Lord Mansfield maintained that a royal proclamation, suspending a law of the land, was, under any conceivable state of circumstances, unlawful and unconstitutional; and of this opinion was the House of Lords. But, if I rightly remember, no legislation ensued, or was proposed. Did Lord Chatham, the proudest of mankind, (I do not speak of him with irreverence, for his was the pride of conscious and transcendent virtue and ability,) complain that the House of Lords, the high court of impeachment, had prejudged his case, arraigned him without any impeachment from the Commons, tried and convicted him of a violation of the laws? of an usurpation of power? Did it enter into any man's head, that the House of Lords was acting in a judicial and not in its legislative capacity?

The President refers, in this paper, to the principles and usages of the British Government. I wish he would be content with only such powers as are conceded to the King of Great Britain; for though I should never consent to allow any such to him, it would, on his part, be a return towards moderation. If the President considers the resolution of the Senate as an act done, gone by, irrevocable, and on which there is to be no further action in the Senate, I do not see why he may not as well take up the Journal of the Senate, cull out all its errors and all its faults, (of which, without doubt, he might find many,) expose them to the people, denounce the vices inherent in the constitution of this body, appeal to its conduct as evidence of those vices, and suggest the corrective that ought to be applied. If, on the other hand, the President regards this offensive resolution as yet revocable, as in truth it is—if he supposes it may be the ground of Legislative action, as certainly it may be—if he anticipates the proposition, suggested by the gentleman from Missouri, to be repeated session after session till it shall prevail, to expunge the resolution from the journal, then is this protest a palpable and direct breach of the rights and privileges of the Senate. The Parliamentary law on this subject is stated with clearness and precision in Jefferson's Manual, p. 116: "It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the Legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude or even influence that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches

that have been held, by the members of either of the other branches of the Legislature, till the same have been communicated to them in the usual parliamentary manner." 2 Hats. 252. 4 Inst. 15. Seld. Inst. 53. Thus, the King's taking notice of a bill for suppressing soldiers, depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill—were breaches of privilege. 2 Hals. 743. And in 1783, December 17, it was declared a breach of fundamental privileges, "dec. to report any opinion, or pretended opinion, of the King, on any bill or proceeding depending in either House of Parliament, with a view to influence the vote of the members." 2 Hals. 151, 6. In the British Parliament, any member of the House of Lords has a constitutional right to enter his protest on the journals against the proceedings of the House—there is no such right of protest known to the constitution of the House of Commons, and no such right of protest has ever been imagined to exist for individual members of either House of our Legislature. No right has ever been acknowledged in a King of Great Britain, to send to either House of his Parliament a protest against any of its proceedings, past or pending—I mean, since the revolution of 1588—I will not look back to the history of the Stuarts, the Tudors, and the Plantagenets; Gen. Jackson may, very probably, find precedents for his conduct in the reign of Henry VIII.



Western Carolinian.

SALISBURY:

SATURDAY:.....MAY 31, 1834.

Our friends are hereby informed that the number of subscribers received for the "North Carolina Republican" will not justify us in commencing its publication. The terms were so low, that we did not, at the inception of the design, calculate upon beginning with less than one thousand names; and the number obtained falls much short of that.

The next number of the "Western Carolinian" will be the commencement of a new volume; and, under the hope that many of those who subscribed for the Republican will now transfer their names to the Carolinian, we shall print an extra number of the latter, for the purpose of supplying those who may be disposed to make the transfer.

One year has now elapsed since the present Editor took charge of this paper. It has been a year of memorable political events, the immediate consequences of which have been but too fatal to the prosperity of the country; and yet the ultimate effects are still more to be dreaded, as threatening to destroy the beautiful symmetry of a Government which has excited the admiration of the friends of Liberty in every quarter of the earth.

We began our course a novice to the duties of an Editor; of course we have had to contend with the difficulties of inexperience, added to the usual vexations apparently inseparable from our vocation. Nevertheless, upon a review of the whole past year, we have much more cause for gratulation than complaint, as far as we are personally concerned.

Those who have done us injustice, by misrepresenting our political sentiments, are forgiven; and, if we have done injustice unconsciously to others, we ask their forgiveness.

To those inestimable friends who have stood by us firm and unshaken, we return our most cordial thanks. We shall endeavor at least to deserve the continuance of their good will, by pursuing, as we have heretofore done, that course which our judgment points out to us as the right one, regardless of all personal consequences.

That man whose course is regulated entirely by the will of others—who, in advocating or opposing political measures, is influenced only by the consideration of which is the popular side, is unfit to be the conductor of a free press, or the agent of a free People in any capacity where more than mechanical, or, at the best, brute motion, is required.

It will be seen, in the communication from our respected correspondent, "A North Carolinian," (see a succeeding column,) that he admits the correctness of all the positions we have laid down in relation to the character of our Government, with one exception: he still insists that there is no tribunal higher than the Supreme Court to judge of constitutional questions.

We are gratified to find an intelligent Federalist of the present day acknowledging that the Constitution is a compact between Sovereign States. Indeed this was generally admitted, until within a few years, as a historical fact not to be questioned; and it was only denied when the advocates of central power were driven from every other position assumed by them in defence of untenable doctrines.

We admit what our correspondent says, that "the Constitution cannot be altered by any one State, but only by the concurrence of three-fourths of all the States." This is sound doctrine, because it is clearly constitutional. But if the doctrine prevail that the decision of the Supreme Court is final, this part of the Constitution may be easily abrogated. For example: a bare majority of Congress, representing a bare majority of the States, may pass an unconstitutional law—the Court may pronounce it unconstitutional; and, although they have no remedy; and thus the Constitution becomes changed by a bare majority of the agents of the States, instead of three-fourths of the States themselves. We admit that the Supreme Court is the highest tribunal to decide cases between the General Government and individuals, because the Constitution gives them this jurisdiction; but we deny that the Constitution gives them power to decide questions between a State and the General Government.

We shall show, hereafter, that the leading Federalists in the early days of our Government did not pretend to deduce this authority from the Constitution. At present, subjects of more pressing interest require all the space we can command. Our Constitution has been lately attacked in a most vital part, and the danger must be obviated at once.

As soon as we can spare room, we shall recur to this

topic, when we hope we shall be able to convince our friend that, without being an enemy to the Supreme Court, we are justified, by facts and arguments which he will admit to be weighty, in opposing the doctrine that there is no means of controlling the decision of the Supreme Court, or the action of the Government, except by resorting to the ballot-box.

Having last week finished the publication of the PROTEST, we shall now give extracts from some of the many eloquent speeches in the Senate, called forth by that strange, presumptuous, audacious document. In another part of this paper will be found extracts from the speech of Mr. Leigh, of Virginia, which we invite the attention of our readers.

Very properly has Mr. Leigh expressed the opinion that the President would even "be content with such powers as are conceded to the King of Great Britain;" "for though I should never consent to such to him," says Mr. L., "it would be a return towards moderation." There is a great deal in this remark, but it is just; for the President has arrogated claims to power more extensive than the King of England has dared to assume since the Stuarts.

He not only claims the control of the public money and other public property, but boldly denies the right of the Senate to express an opinion as to the propriety of his conduct. A more dangerous doctrine can hardly be conceived of: it goes beyond any thing asserted in the Alien and Sedition Laws, and throws in the shade the prerogatives of Crowned Heads.

In the 54th No. of the Edinburgh Review, published fifteen years ago, we find some remarks, in an able article on "The Necessity of Parliamentary Inquiry," appropriate to the occasion, that we shall give a quotation.

Some of the minions of power in Great Britain—the royal collar-men—asserted principles like those now avowed by our President. The reviewer took up the subject, denied the doctrine of the advocates of power, and pointed out the different descriptions of cases which justified and required the interposition of the Legislature. After designating the other cases, he remarks—

"But the third, and by far the most important ground of Parliamentary interference, remains: Where no law whatever has been violated, but only an unwieldy use has been made of the discretion vested in public officers. Who ever questioned either the right or the duty of Parliament to interpose in all cases of discretionary powers abused, or unwisely or inexpediently exercised, where the mischief is of sufficient magnitude to call for such high interposition? The whole law of impeachment for the numerous class of State officers, not cognizable in courts of law, is founded upon this principle; and there is a multitude of cases where those courts cannot act, and where Parliamentary proceedings may be had of less magnitude than impeachment—as resolutions of censure, addresses for removal, and observations by members in their places without any regular vote of the Houses."

Mark well this pregnant paragraph of a British subject, against the arbitrary conduct of public officers, and the right of Parliament (which is the National Legislature in that country) to interpose, even "in cases where no law has been violated, but only an unwieldy use has been made of discretionary power."

Now, if Mr. Taney had been the lawful Secretary of the Treasury, and, acting upon his own responsibility and at his own discretion, had removed the deposits, would not Congress have had the right to pass resolutions of censure for such conduct? But the President, thinking that the "Hero of Orleans" might do, with impunity, what would subject any other man to punishment, "assumed the responsibility," by putting himself in the Secretary's place. This he distinctly avowed to the world, and boasted of it as an act that ought to elevate him still higher.

The measure produces alarm, distress, and confusion, throughout the country; petitioners for redress are issued by Members of Congress, and by the President himself; a small majority in the House, (influenced we will not say how, for it is of no importance to our argument,) pretend to justify the President: of course there is no chance for an impeachment, even if it were clearly an impeachable offence; the Senate, on the other hand, disapprove the measure, but they have no right to try an impeachment, unless the other House bring the case before them. What, then, must be done? Must Senators, the Representatives of the States, plead as checks to the other departments, must they sit silent and allow the laws and the Constitution to be secretly undermined, and raise no warning voice to the People? A majority of them thought their duty to their country dictated a different course; and, acting under the impulse of patriotism, and the sanction of their oath, (an obligation for which the President professes great respect,) they considered it necessary and proper to pass a resolution expressing their opinion that the President had acted in a manner unauthorized by the laws or the Constitution.

For this mild exercise of a right which we have seen belongs to the subjects and the representatives under a Monarchy, our Senators are denounced, and the very frame-work—yes, the foundations—of our Government are threatened with destruction!

Before we conclude, we will give one other short extract from the Review. It will be borne in mind that the President complains of the Senate's having tried and condemned him improperly; that they had prejudged him in a case where they might possibly be called upon to try him, in the last resort, under an impeachment.

"Who," asks the reviewer, "ever objected to the Committee of 1794 upon the ground that they were interfering with the justice of the country? The answer would have been at once made by Mr. Pitt, had his adversaries taken so feeble a ground—We are not going to try these men, but to examine the whole transaction, *diverso intuitu*," for the purpose of seeing whether the safety of the State requires extraordinary legislative precautions. The very same answer may be made to the thoughtless persons who now complain of inquiry; unless indeed it be the law of Parliament that none of its functions should ever be exercised to protect the rights of the People, while they are called into full action as often as there is any question of the safety of the MONARCHY."

Whether or not this be the law of the British Parliament, the President has shown that he would make it the law of the American Congress. This body may pass any sort of resolutions praising HIS MAJESTY—they may call the People "pot-house politicians," and reject their "miserable petitions," as the Senator from Georgia called them—all this and much more may be done, to the detriment of the PEOPLE and the injury of the CONSTITUTION; but if a breath of disapprobation move against the MONARCH, why, it is swelled into a tempest to overwhelm all who deny the infallibility of the "Hero of two wars and forty affairs!"

If the People acquiesce in this daring and insulting outrage, we may at once call Andrew KING, and give him, or, rather, acknowledge that he has, the right to appoint his successor.

CONGRESSIONAL.

On the 15th instant a resolution was introduced into the House, by Mr. Boon of Indiana, proposing to fix on the 16th of June for the adjournment of Congress. After some discussion, the subject was postponed to the 29th instant.

It is not probable that Congress will adjourn for two months yet. They have enough to do to detain them that long, and they had better continue sitting till July of next year, than to adjourn leaving important business unfinished, and the Treasury at the mercy of an irresponsible cabal.

Memorials from various parts of the country, praying for some measures to be continued to flow into the Capitol.

DISTURBANCES IN FRANCE.

Accounts received from France, since our last paper, bring intelligence of disturbances in which the late law for the suppression of secret societies had been received by the people.

In the cities of Lyons, serious disturbances were experienced at intervals from the 4th down to the 14th April, the last day on which we have accounts from either place.

The only statements we have seen are those published by the Government, or by papers in their interest—in all of which the enraged citizens are termed "insurgents" and "anarchists," and are mentioned with the greatest contumely. But we think, from the fact that the obnoxious law was introduced and passed at the solicitation of the famous "Holy Alliance," that these movements are not so insignificant as the official despatches of the Government would seem to indicate.

In the reports of these operations, great credit is given to the National Guards for their bravery and intrepidity in the various skirmishes with the citizens; and, although no mention is made of the number of killed and wounded at the several rencontres, it must have been great, if we may be allowed to judge from the following item, in which the killing of seventy-three Republicans is mentioned with as much *sang froid* as if it were a matter of hourly occurrence:

"All is over. Our troops have conquered. The National Guards seconded them with the greatest heroism. They shot down 47 Republicans in one place, and 28 in another, and a great number have been arrested.—The two Princes remained all day in the most exposed situations, and were received by the insurgents with a discharge of fire-arms, which fortunately did them no injury."

The printing-office of the "Tribune" had been attacked by order of the Government, and two editors and twenty of the workmen arrested, and a "veto" put upon the publication of any more papers. If the Republicans and the Printers are dealt with after this fashion, "La Belle France" must soon be in that state of anarchy, in earnest, from which the King and his soldiers profess to be desirous to deliver her.

It is said that the health of General Lafayette is very precarious.

The French papers mention several rumors in relation to movements among the Continental Powers.—One is, that the Austrians have entered Switzerland; another, that the Germanic Confederation have sent troops towards the frontiers of the Department du Nord; and a third, that a revolutionary movement had taken place at Madrid, the Capital of Spain.

GO AHEAD, OLD RIP!

We rejoice at the intelligence contained in the following extract from the Fayetteville Observer.

A fact came to our knowledge a few days ago, which greatly strengthens our faith in the benefit of a Rail-Road from Fayetteville to the mountains. An intelligent gentleman passed through Salisbury, from Carter County, Tennessee, having along a load of Bacon which he was taking to Fayetteville, to exchange for Groceries. He said that if there was a Rail-Road only to Wilkesborough, it would draw to Fayetteville all that trade which now goes from East Tennessee to Augusta and Baltimore. This gentleman speaks from actual experience, for he has heretofore tried all of them, and does not hesitate to give Fayetteville the preference.

Cape Fear, Yadkin, and Pee Dee Rail-Road.—The work of this enterprise was begun on the 14th inst., at this place, with the observance of the usual ceremonies on the commencement of all great and interesting public undertakings. Each countenance bore the glow of joy and gladness.

We were more than gratified at the deep interest manifested by the citizens generally of this community. The animation which the occasion produced upon the crowded multitude, was apparent. Each countenance bore the glow of joy and gladness.

A procession, composed of the citizens of the Town and Country; the Members and Officers of the civil authority of the corporation; the Teachers and Students of the Ravenscroft and Donaldson Academies; the several Military Companies; and the President and Directors of the Rail-Road Company, was formed in Gillespie street in the forenoon, and thence in regular order marched to the designated point of commencement, on the summit of the bank of the Cape Fear, a short distance below the Clarendon Bridge, where James Seawell, Esq., the President of the Rail-Road Company, delivered to the audience an address—after which the operations of the work were commenced by Mr. S., who, after a short exhortation, calling upon his fellow-citizens to follow the example, cast upon the work the first spade of earth, which was repeated with the hum of satisfaction by all. The ceremonies were closed by the discharge of cannon from Capt. McLeran's Company of Light Artillery, and responded to by a salute from the Steamer "Laurietta," (Capt. Rush,) then lying on the river.

We are sorry we have not space for Mr. Seawell's speech, which, with earnestness and force, what ought to be the sentiments of every true Carolinian.—Mr. Seawell is one of the most zealous practical men in North Carolina, and was, as we know, an industrious member of the last Legislature—devoted, heart and soul, to all the great interests of the State, unwearied by party and sectional prejudices.

Mr. Calhoun's Speech on the Protest is spoken every where, in terms of unmeasured admiration. The following is an extract from a letter written by the Washington Correspondent of the "Philadelphia Commercial Intelligencer":

"Dear Sir: Mr. Calhoun's speech at the day of the 15th of April, delivered to-day, was one of the most splendid efforts of that eminent statesman. The Senate was filled with ladies and gentlemen one hour before the Senate met. The ladies appeared to be particularly attached to the great nullifier, occupied about an hour—presented several new and striking views in relation to the Protest, and the limits of the Executive power. He proved that the President did not exercise any powers unless granted by the Constitution or laws, that Congress was entrusted with discretionary powers which, however, must not exceed the powers specified. The whole speech was a chain of the most powerful and convincing arguments; concluding, that the President had resolved to protect the Senate; that he had no right to send the Protest to the Senate; and that it ought not to be received. The veto power of the President balanced the discretionary power of Congress; but this veto only extended to the bills or joint resolutions of Congress. To permit the President to control the votes or separate proceedings of each House, would abridge the privilege and destroy that clause of the Constitution which rendered each House the judge of its own proceedings. Mr. Calhoun pointed to another remarkable feature in the Protest. The President had not drawn his power to send such a paper from the Constitution, and there were none of his advocates who dared to trace his power to that source. The President had made it a question of duty, not right. When asked for his right to such power, he referred broadly to his Secretary. The President had forgot that rights always preceded duties. Duties never confer power—they compel obedience. In the card of the President, his duties are plain—they were prescribed in the Constitution and the laws, and limited to them. But the President went farther—he makes it a matter of obligation, imposed on him by his oath of office; it was the result of dire necessity the tyrant's plea; he acted as the "immediate Representative of the American People." If the tendency of such wild, inflated, unbridled ambition, was not perceived, then history had been read in vain.

Mr. Calhoun drew a parallel between the course of the President last year and the present. Then he issued his Proclamation demanding a sovereign State to erase an ordinance from its Statute Book, and called upon the people to aid him in the warfare; now we have his Protest, denouncing the Senate for transcending its duty, and requesting his edict to be recorded. If the Senate should refuse, it will no doubt be followed by another Proclamation rallying the people to his standard, to stand by him in the war he is waging with the Senate.

Mr. Calhoun was more severe on the President than I had ever heard him. He described him in a satirical strain, which I never heard him do before, as an "old tactician," who knew how to assume the appearance of defence when he was preparing for offensive operations; he enlisted the sympathy of the people, by exposing his scars, renouncing ambition and avarice, and declaring that he was looking to another world, not to this. Mr. Calhoun treated this contemptible hypocrisy with great severity. He declared that it all looked to the war which the President was preparing to wage with deadly rancor against the Senate. It was not introduced for rhetorical effect, but to enlist the sympathy, which, when aided by the deposits, would enable the President, as he no doubt hoped, to exterminate whatever stood between him and absolute power.

There was an interesting debate between Mr. Forsyth and Mr. Preston, after Mr. Calhoun concluded. Mr. F. attempted a reply to Mr. C., and Mr. Preston rejoined in his usual brilliant and fascinating eloquence. It was altogether one of the most interesting days I have seen in the Senate. Mr. Calhoun's speech will be read with avidity. It will prove a pillar of light on this question, and should be in every one's hands who wishes to understand the subject.

MR. CALHOUN'S SPEECH.

We exclude almost every thing else from our columns this morning to make room for this most powerful and luminous exposition of claim set up by the President to send in a protest against the resolutions of the Senate. It is a perfect speech—perfect as a whole, and in all its parts. No man, be his capacity what it may, can persevere without feeling a deep and immovable conviction of the unconstitutionality and tyranny of that attempt at the destruction of the powers and the dignity of the Senate. Mr. Calhoun is beyond all question one of the most extraordinary and highly gifted men of his age, in this country or in Europe; and he has given no more conclusive evidence of the fact than that which is furnished by the speech now before the reader. We beg that every one into whose hands this paper may accidentally fall, will peruse with attention this most instructive and valuable discourse.—It is a noble monument to the genius and patriotism of its distinguished author.—*Richmond Compiler.*

EPISCOPAL CONVENTION.

The Annual Convention of the Episcopal Church in this Diocese, met in the Town of Washington on the 7th instant, and continued until the Sunday following, inclusive.

We will give an abstract of the proceedings as soon as they can be had.

The venerable James Madison is in a dangerous state of sickness. We hope the old Patriot may yet survive long enough to see the Constitution vindicated against the attacks which are meditated by those who ought to be its defenders.

"The Government" has reconsidered his resolution relative to the Bank Directors, and has nominated to the Senate the following gentlemen to fill the vacancies now in the Directory, viz: Henry Horn, Roberts Vaux, Charles McAllister, of Philadelphia; Jos. White, of Baltimore; and Saul Alley, of New York.

The President has at last dispensed two of the great political prizes. Mr. Speaker Stevenson has been nominated as Minister to England, and Mr. Dickerson, of New Jersey, as Minister to Russia.

This is the last desperate effort to keep New Jersey and Virginia in subjection. Will they be caught by such bait? We feel assured that they will not.

In our paper, of the 8th of March, we published a letter from Col. White, of this place, Navy-Agent at Valparaiso, informing us of the conclusion of a Treaty of Commerce between the Plenipotentiaries of our Government and that of Chili. This Treaty has just been confirmed by the United States Senate, and copies exchanged between the two Governments; it will be found in our columns to-day, and it appears to us to merit the approbation of our countrymen.

LEGISLATIVE CANDIDATES.

We are authorized to announce JOSEPH P. CALDWELL, Esq., of Iredell County, a Candidate for the Senate of the next General Assembly.

JOHN BEARD, Junr., is a candidate for reelection to the Senate, and JOHN CLEMENT, and CHARLES FISHER, Esqs., are candidates for reelection to the House of Commons, in the next General Assembly.

FIELDING SLATER, Esq., Sheriff of Rowan, is a candidate for re-election.

FOR THE WESTERN CAROLINIAN.

MR. BEARD: If you can spare a little space from that old subject, the "removal of the deposits," I would thank you to call the attention of the gentleman portion of the community to another topic, which I think deserves attention. I allude to the "deposits" of tobacco-juice in the pews of our Churches.

I have heard Doctors say that the use of tobacco is injurious to health, frequently causing dyspepsia, &c. If this consideration will not restrain gentlemen in the use of that parrot, I hope they will, at least, abstain from indulging in that strange luxury at Church. I went to Church one night, with a new jacket

draw on, and next morning it looked as if it had been used for straining coffee grounds.

It was the best frock I had, and you may be sure I was a little mortified. Do, if you please, Mr. Beard, try to persuade the gentlemen to leave off such a disagreeable practice, and oblige your unknown friend, MIRANDA.

P.S. After I wrote the above, now, thinks I, perhaps Mr. B. uses tobacco; and if he does, what will he say when he reads this? I will send it easy now, and secure him I did not mean to be personal. M.

[We really think our fair correspondent has good cause to complain: for we ourselves have more than once left Church with our garments soiled in the manner described by Miranda. What she complains of is a nuisance that ought to be punishable by a temporary banishment of the offenders from the society of the better part of creation.

"Mr. B." has been somewhat addicted to the use of Nicot's base, but he had resolved to quit it the very day before he received Miranda's note; and that, so far from offending him, has re-enforced his resolution.

Does "Miranda" ever take what the ladies call a "dip"? We don't think she does, though frequently tempted by the beautiful "snuff-colored tips" of her companions. Verbmee est.—A hint, we hope, is sufficient.

FOR THE WESTERN CAROLINIAN.

MR. EDITOR: I am well aware of the importance of a correct understanding of the relative rights and powers of the General and State Governments, on which hang the principal controversies between the two former prominent political parties in our Government; and I truly rejoice that their opinions are so nearly coincident, as appears from your exposition of the doctrine of State Rights, contained in your Editorial remarks of the 26th ultimo. "A North Carolinian," when speaking of the Sovereignty of a State, means the highest constituted authority or power in it, and admits that all power is derived from the People, who may, in their sovereign capacity, delegate it to agents, whom they constitute representatives of sovereignty, vested with the highest power in the State; but the People, according to the compact entered into between themselves, may abridge or extend this power at their pleasure—in the mode laid down in their different fundamental principles of government, contained in their several Constitutions, and, as regards the General Government, as laid down in the 5th Article of the Constitution of the United States, which cannot be altered by one single State, but only by the concurrence of three-fourths of all the States. "A North Carolinian" does not hold that the Supreme Court of the United States can decide political questions, but only that "the judicial power shall extend to all cases, in Law and Equity, arising under this Constitution and the Laws of the United States, and Treaties made, or which shall be made, under their authority." He understands questions of policy to mean, whether certain acts of the Legislature may be expedient or otherwise, (which are questions to be decided by the legislative power of the Government, according to the rules laid down in the Constitution;) but whether acts of Congress are constitutional or not, is a question of Law, to be decided, in the last resort, by the highest judicial tribunal in the Government. When Laws conflict with each other, the inferior must give way to the superior: the Constitution of the United States is the fundamental law, established by the highest power in the States, to wit: the People—and is therefore paramount to any act of the Legislature.

If Congress pass laws which are against the general interest of the People, and the President approves them, but which are within the letter of the Constitution, they can only be corrected at the ballot-box, by electing wiser and more faithful representatives.

If the President assumes arbitrary power, and we have an honest House of Representatives, they will pass Articles of Impeachment against him, and a faithful Senate will dismiss him from office.

If any member of the Judiciary should act corruptly, he can be dismissed in the same way.

If both Houses of Congress should pass inexpedient Bills, the President can refuse to approve, and prevent them from becoming laws, unless passed by the concurrence of two-thirds of both Houses; in this way our Government has different checks, one branch upon another, and the People upon the whole, if they will be honest to themselves.

I admit the inalienable right in the People of revolutionizing when a majority of them shall determine that the oppressions of the Government have become so intolerable that a revolution, with all its consequences, would place them in a better situation; but they must see to it, that they will be able to maintain their independence; but, at the same time I hold, that, in ordinary cases of controversy, an appeal to the judicial power is the rightful remedy, and the tribunal established by the People, as the arbiters of their rights. May 10th, 1834. A NORTH CAROLINIAN.

From the National Intelligencer of May 15th. Messrs. Gales & Seaton: On perusing the National Intelligencer of yesterday, I was struck with the business-like air, and brevity, of the letter of resignation of the late distinguished Representative from Connecticut, the Honorable SAMUEL A. FOOTE. It is in these words: "NEW HAVEN, 9th May, 1834. Sir: I have this day resigned my seat as a member of the 23d Congress. Yours, very respectfully, SAM'L A. FOOTE.

Hon. SPEAKER of the H. of Reps."

The FOOTEs, in all countries, seem to have been remarkable for their brevity and precision. SAM. FOOTE, the celebrated Comedian, and distinguished writer of light Comedies, has transmitted to us a correspondence with his mother, quite as laconic as that of our S. A. Foote with the Speaker. The old Lady, it appears, had been arrested for debt, and she communicated her misfortune to her son in the following epistle: "MY DEAR SON: I am in jail. Your affectionate mother, MARY FOOTE."

Foot had been arrested himself the day before the letter reached him, on a *copia ad satisfaciendum*, and he replied in the following terms: "MY DEAR MOTHER: So am I too. Your affectionate son, SAM. FOOTE."

FROM THE SAME.

In the course of yesterday's Debate, Mr. Clay having denounced, as contrary to the spirit of the Constitution, the omission of the President of the United States to nominate to the Senate, for confirmation or rejection, the present Secretary of the Treasury and other officers, though the Senate has been now nearly six months in session; Mr. Webster rose, for the purpose of showing the views of this subject entertained by the great first President of the United States, and practised upon by every Administration in this Government, up to the beginning of the present. For this purpose, Mr. W. quoted from the record the following Message from the President of the United States, to the Senate of the United States.

UNITED STATES, February 9, 1790. Gentlemen of the Senate: Among the persons appointed, during the last session, to offices under the National Government, there were some who declined serving. Their names and offices are specified in the first column of the foregoing list. I supplied these vacancies, agreeably to the Constitution, by temporary appointments, which you will find mentioned in the second column of the list. These appointments will expire with your present session, and indeed ought not to endure longer than until others can be regularly made. For that purpose, I now nominate to you the persons named in the third column of the foregoing list, in my opinion, qualified to fill all the offices specified in their names in the first.

THE PRESIDENT'S ADDRESS. Of the President's Address in the United States, met on the 18th instant, to the General Assembly of the Church in Philadelphia, and was opened with a sermon by the Rev. Wm. A. McDowell, D.D., of the afternoon, the Rev. Philip Lindsay, D.D., President of Nashville University, was, on motion of Mr. W., unanimously chosen Moderator, and the Rev. James Green, of Bedford, N. Y., Temporary Clerk. Dr. W. in the State Clerk, and Dr. John McDowell, Permanent Clerk. About two hundred members of the Assembly are in attendance.

Delegates from England.—In the General Assembly, yesterday afternoon, Rev. Andrew Paton, of Glasgow, and the Rev. James Matheson, of Dundee, Scotland, were introduced by the State Clerk, Dr. W. by the delegates from the Congregational Union of England and Wales.—Philadelphia U. S. Gazette.

THE LOCUSTS AGAIN.

There is no longer any doubt that these singular insects are to make their usual periodical appearance the present season. They are already easily to be found, at the depth of six or seven inches, in gardens, and especially in orchards, under old trees. By skimming off the surface of the earth, thousands of holes are perceptible, where they have been penetrating to the surface, in order, we presume, that their way may not be obstructed on their day of general resurrection. An old gentleman of this place informs us that his father kept particular note of their appearance in four instances, and that he himself had followed it up, and preserved observations, also, in four instances; and that they have uniformly appeared every seventeen years; but what is singularly striking, in all these eight instances they were found to have a general resurrection day, which has regularly occurred on the 23rd May. He further says, that two or three days previously, a few make their appearance, as a reconnoitring party; but on the 23rd the whole country is deluged with one interminable swarm.—*Germanstown (Pa.) Telegraph.*

Gunpowder Plot.—A gentleman in Virginia, whose wood had been frequently stolen from him, lately bored into a log, filled the hole with powder, and plugged it up. The log was carried off at night, and the next day one of his neighbors had a horrid explosion under his dinner pot, which played the devil with his dinner, and scattered the mutton and dumplings in every direction.

POSTSCRIPT EXTRAORDINARY. We have some reasons for thinking that an Embargo has been laid upon all newspapers opposed to the Administration. For two or three weeks past, the Globe has been the only paper, north of this State, which has come to our Town in due course of mail.

Altar of Hymns.

"Beside the altar, kneeling bright,
"The grave, the gay, the humble, and the great,
"Young Love his constant lamp will light,
"And waite his purple tint."

UNITED IN WEDLOCK.

In York District, S. C., on the 8th instant, by the Rev. A. White, Mr. JOHN H. GRIER, of Mecklenburg county, to Miss MARGARET P. ROSS.

In Mecklenburg county, on the 15th inst., by David A. Caldwell, Esq. JAMES DOUGHERTY, Esq., to Miss RACHAEL McCULLY.

Court of Death.

"All pass this gate, in our presence crowd—
"The grave, the gay, the humble, and the great,
"The rich, the poor, the ignorant, the wise—
"The neutral ground, whence all distinctions cease."

DEPARTED THIS LIFE.

Lately, at his residence in Burke county, the Rev. ROBERT JOHNSON MILLER, in the 76th year of his age. Mr. Miller was a native of Scotland, and it is therefore hardly necessary to say that he received a good education, although born three quarters of a century since.

He came to this country either just before the commencement of or during the Revolutionary war, and by expounding, zealously, the cause of the Whigs, he distinguished himself from most of his countrymen in America, who were attached to the Royalists.

Subsequent to the war, he married a Miss Perkins in Burke county, resided awhile in Lincoln, but finally settled down in the neighborhood of his wife's friends on John's River in Burke, where he and his consort raised up a large family, and then sunk to rest.

Mr. Miller was a Minister in the Episcopal Church, and for something like forty years devoted himself to the holy duties of his office with a zeal and singleness of heart, that secured to him the esteem of those who even differed from him widely in religious tenets. This truly venerable old man was the first Preacher of the Gospel of whom we have any distinct remembrance, and from his lips we derived our first public instruction in the sublime truths of Christianity.

"I venerate the man whose heart is warm,
Whose hands are pure, whose doctrine and whose life,
Coincident, exhibit lucid proof
That he is honest in the sacred cause."

Such a man, we most conscientiously believe, was the late venerable Soldier of the Cross, Robert J. Miller. He is gone! But he will be remembered by his surviving friends.

"Till death stills their hearts' last emotion."

In Mecklenburg county, on the 5th instant, ELIZABETH, daughter of Mr. William M. and Sarah H. Maxwell, aged six years.

In Mecklenburg county, on the 11th instant, SARAH H. MAXWELL, aged 27 years and 1 month.

In Mecklenburg county, on the 7th inst, Mrs. AGNES SIOAN, aged 62 years and 69 days.

In Statesville, N. C., on the 26th of April, the Rev. DANIEL GOULD, aged 44 years and 5 months. Mr. Gould was a native of Nottingham, New-Hampshire. He studied Theology at Andover Theological Seminary, and completed the course of study at that institution in September, 1820. After spending some time laboring as a domestic Missionary in Missouri and Illinois, he was sent to Statesville as a Missionary under the direction of the North Carolina Missionary Society, where he became Pastor of the Church in that place, and where he continued to preach until March, 1827. He then continued to preach some months longer at Tabor, at which place he had labored in conjunction with this place. In December, 1828, he was appointed, by the American Bible Society, an Agent for this State. In this appointment, he labored faithfully and successfully, until May, 1832. He was almost the prime mover of the Bible cause in this State; and since he left the agency, he has done much to keep alive an interest on the subject. The leading trait in his character was a spirit of doing good. When his health was too feeble to engage in any very active and laborious service, he opened a Book Store in Charlotte. By this means, he introduced into this part of North Carolina, many very valuable Books, which have done and are now doing, and will still continue to do, much good.

But he now rests from his labors on earth, and has gone, we trust, to join the company of the redeemed in Heaven. His end was full of peace, and well calculated to show to all around the work of our mercies in the merits of the Cross. To me, death has been a terror. He said, "The thought of death is a terror. I have thought of it, and I have been much pleased, rather than alarmed, to think of it."

To him, "to die was gain." Oh, that all who hear and read of his peaceful death may also be ready for the hour that awaits us all! [Communicated.]

Lincolnton Academy.

THE Examination of the Students of the Lincolnton Academy will commence on the 1st day of June, and terminate on the evening of the ensuing day. Parents and Guardians are particularly requested to attend.

THE Exercises of the Academy will be resumed on the FIRST DAY OF JULY. The price of Tuition, per session, (in advance,) will be: For the Latin and Greek Languages, Algebra, and Geometry, \$15 00

For English Grammar, Geography, and Arithmetic, 8 00

For Reading, Writing, &c. 5 00

Board can be had, in respectable families, at \$7 per month.

GEORGE W. MORROW.

P.S. The teachers of Lincolnton, and the moral state of society, render it a peculiarly appropriate location for a Chemical School. May 24, 1834.—H

Administrator's Notice.

THE Subscriber, having qualified as Administrator on the Estate of Archibald Craig, dec'd., at the May Term of Rowan County Court, hereby requests all persons indebted to said Estate to make payment immediately, and persons having claims against said Estate are notified to present them, legally authenticated, within the time prescribed by law, or this notice will be plead in bar of their recovery. BURTON CRAIG, Administrator. May 31, 1834.—G

Estate of William Cowan.

THE Subscriber, having obtained Letters of Administration on the Estate of William Cowan, late of Rowan County, deceased, hereby gives notice to all persons indebted to said Estate to make payment; and all persons having claims of any kind against said Estate are hereby notified to present them within the time prescribed by law, or this notice will be plead in bar of their recovery. ROBERT N. FLEMING, Administrator. May 31, 1834.—G

Apprentices Wanted.

THE Subscriber will take two or three Apprentices to the Carpenter's Trade, if application be made soon. WM. A. WEDDINGTON, N.B. None need apply but such as can read well recommended for morality and industry. Cabarrus Co., May 31, 1834.—G

Petersburg Cotton-Yarn.

JUST RECEIVED, & FOR SALE. 1600 Pounds of Cotton-Yarn, from the Petersburg Factory—superior to any Cotton brought from the North. Apply to MURPHY & MOSE. Salisbury, May 24, 1834. H

Catawba Springs.

THE above place is now open, as usual, for the reception of Company. Every attention is promised, by the Proprietor, for the comfort and pleasure of those who may visit him. W. S. SIMONTON. Lincoln Co., May 24, 1834. H

Valuable Property FOR SALE.

THE SUBSCRIBER OFFERS FOR SALE, ONE-THIRD PART OF THE

Lincoln Cotton Factory,

Situated two miles below Lincolnton, N.C., at the Rattling Shoals of the South Fork. This Factory is now in excellent repair, and has in full operation seven hundred and thirty-six Spindles, and eight Looms ready to go into operation.

ALSO, (Belonging to the same Establishment.) An excellent Oil-Mill, Blacksmith Shop, a Machine Shop, and a Wool-Carding Machine.

560 Acres of Land.

This site is superior to any in my knowledge for manufacturing, having water-power sufficient to turn two thousand spindles, and possessing all the advantages of the cotton market and the great trade; the situation is healthy, well watered, and calculated for a store.

ALSO, HE OFFERS FOR SALE, IN THE Town of Lincolnton, THE LOT

WHEREON HE NOW RESIDES, being Lot No. 5, fronting the Main Street, and containing one acre and one-half, and is the best of mid town; and, in the rear, a Back-Side Lot.

And also Lot No. 10, in the S. E. Corner of the Main Street, containing one acre and one-half, and is the best of mid town; and, in the rear, a Back-Side Lot.

Seven Acres of Land, lying in the County of Lincoln.

For terms of sale, and for a full description of the property, apply to the Subscriber, at his residence in Lincolnton.

ALSO, HE OFFERS FOR SALE, IN THE Town of Lincolnton, THE LOT

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